

ORIGINAL

RM 9242

From: Bryan Smeathers <wmta1380@broadcast.net>
To: A4.A4 (BKENNARD)
Date: 9/26/98 3:48am
Subject: Comments to the Chairman

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SEP 28 1998
FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Bryan Smeathers (wmta1380@broadcast.net) writes:

Dear Mr. Chairman:

I am truly amazed by you apparent support for the creation of low power FM (LPFM) while allowing hundreds of AM stations continue to struggle to hang on in lite of the adverse conditions created by the Telecom Act of 1996 and more specifically the constant consolidation and monopoly creation in most areas of the US.

On August 13, 1997, the Association of American Community AM Broadcasters Association (ACAMBA) filed a petition for rule making proposing the allowance of AM standalone- daytime stations or those with very low night power authorization, the ability to utilize FM translators as fill-in service. Several of the officers of ACAMBA have made numerous phone calls to the FCC and I personally spoke with a lady from your office named Susan Foxx, I believe her name was and on two occasions she called me, saying that the ACAMBA petition was going to be sent out for comment. THIS HAS NEVER OCCURED TO DATE. why???

Why are you communicating directly to Roger Skinner, the petitioner in RM 9242 proposing low power FM and also seeking amnesty for the pirates? Skinner has posted this fact on his www web site of your communications with him.

In Turner v FCC the court ruled, as you are aware, that the best use of technology should be made for the public use, convience, necessity. The use of FM translators by AM standalones is excellent use of this technology. The FCC has allowed this in Alaska, Nashville, TN and south Flordia since the late 1980's as pointed out in the ACAMBA petition.

Your concern for minority broadcasting is admirable and you are apparently using that for your support of LPFM, however, you are failing to recognize that many standalone AM owners are minorities and that is chiefly why they are in the AM side of the business...finances. If you allow the LPFM service to be created while continuing to ignore the plight of the standalone and daytime AM stations you will be putting the nail in the coffin so to speak for many hundreds of AM stations around the country already struggling in an adverse industry. Look for a moment at all the concessions the FCC has given cable TV over the years, the phone companies, FM radio service and don't forget the docket 80-90 fiasco of the mid 1980's. All the FCC did for AM was make a mess of the AM stereo matter and the NRSC changes.

Why is it someone can have one FM station in Tupelo, Mississippi and have 165 FM translators all over the country to rebroadcast one station in Tupelo, Mississippi via satellite, providing NO LOCAL SERVICE, NO LOCAL EAS SERVICE, yet beg for money from the 165 communities because they are a "non-profit" company?? I am referring to the AMERICAN FAMILY RADIO NETWORK in this instance and there are many more like this as you know. WHAT WOULD BE WRONG WITH A FEW HUNDRED AM STATIONS USING FM TRANSLATORS AS FILL-IN TO IMPROVE THEIR SERVICE TO THEIR COMMUNITIES?

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We in ACAMBA feel betrayed to by the FCC and there are several who feel as if they have been lied to by the FCC staff people at the highest levels.

Our petition was filed with the FCC 8 months before the Skinner petition. The Skinner petition was filed within 2 weeks released for public comment. WHY THE SPECIAL TREATMENT?

Why couldn't the ACAMBA petition have been released for comment at the same time since the proposal were somewhat related?

Do you realize that between the lack of concern of the FCC and the NAB regarding AM broadcasting the longevity for hundreds of AM stations are in jeopardy? Do you even care?

I would appreciate a personal response from you concerning this matter for the benefit of ACAMBA which is solely trying to improve the service provided by AM's to their communities. We do not represent the 50k AM's or group o/o AM's just your typical mom and pop AM stations. I have already been in contact with the Minority Media Council in Washington about this as well as Rev. Jesse Jackson's staff all of who were /are supportive of our proposal. Also the Hispanic Broadcasters group is likewise supportive of the ACAMBA proposal.

IF YOU ARE CONCERNED ABOUT MINORITY BROADCASTERS THEN YOU WILL RELEASE THE ACAMBA PETITION FOR PUBLIC COMMENT BEFORE CREATING LPFM.

I trust that you will communicate by email. Should you desire further information please call myself at (502) 754-1380, or Ed Crook at (530) 541-6600 / (530) 542-5801 or John Frew at (770) 382-1270.

Thank you.

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